

105TH CONGRESS  
1ST SESSION

# S. 253

To establish the negotiating objectives and fast track procedures for future trade agreements.

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 1997

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To establish the negotiating objectives and fast track procedures for future trade agreements.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Trade Agreement Im-  
5       plementation Reform Act”.

6       **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

7       The overall trade negotiating objectives of the United  
8       States for agreements subject to the provisions of section  
9       3 are—

1 (1) to obtain more open, equitable, and recip-  
 2 rocal market access,

3 (2) to obtain the reduction or elimination of  
 4 barriers and other trade-distorting policies and prac-  
 5 tices,

6 (3) to further strengthen the system of inter-  
 7 national trading disciplines and procedures, and

8 (4) to foster economic growth and full employ-  
 9 ment in the United States and the global economy.

10 **SEC. 3. TRADE AGREEMENT NEGOTIATING AUTHORITY.**

11 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

12 (1) IN GENERAL.—Whenever the President de-  
 13 termines that one or more existing duties or other  
 14 import restrictions of any foreign country or the  
 15 United States are unduly burdening and restricting  
 16 the foreign trade of the United States and that the  
 17 purposes, policies, and objectives of this Act will be  
 18 promoted thereby, the President—

19 (A) on or before June 1, 2003, may enter  
 20 into trade agreements with foreign countries,  
 21 and

22 (B) may, subject to paragraphs (2)  
 23 through (5), proclaim—

24 (i) such modification or continuance  
 25 of any existing duty,

1 (ii) such continuance of existing duty-  
 2 free or excise treatment, or

3 (iii) such additional duties,  
 4 as the President determines to be required or appro-  
 5 priate to carry out any such trade agreement.

6 (2) LIMITATIONS.—No proclamation may be  
 7 made under paragraph (1)(B) that—

8 (A) reduces any rate of duty (other than a  
 9 rate of duty that does not exceed 5 percent ad  
 10 valorem on the date of enactment of this Act)  
 11 to a rate of duty which is less than 50 percent  
 12 of the rate of such duty that applies on such  
 13 date of enactment,

14 (B) reduces the rate of duty on an article  
 15 over a period greater than 10 years after the  
 16 first reduction that is proclaimed to carry out  
 17 a trade agreement with respect to such article,  
 18 or

19 (C) increases any rate of duty above the  
 20 rate that applied on the date of enactment of  
 21 this Act.

22 (3) AGGREGATE REDUCTION; EXEMPTION FROM  
 23 STAGING.—

24 (A) AGGREGATE REDUCTION.—Except as  
 25 provided in subparagraph (B), the aggregate

1 amount that the rate of duty on any article may  
2 be reduced under paragraph (2) in any year  
3 shall not exceed an amount that is equal to the  
4 greater of 3 percent ad valorem or 10 percent  
5 of the total reduction in the rate of duty for  
6 such article required pursuant to a trade agree-  
7 ment entered into under paragraph (1).

8 (B) EXEMPTION FROM STAGING.—No  
9 staging is required under subparagraph (A)  
10 with respect to a duty reduction that is pro-  
11 claimed under paragraph (1) for an article of a  
12 kind that is not produced in the United States.  
13 The United States International Trade Com-  
14 mission shall advise the President of the iden-  
15 tity of articles that may be exempted from stag-  
16 ing under this subparagraph.

17 (4) ROUNDING.—If the President determines  
18 that such action will simplify the computation of re-  
19 ductions under paragraph (2) (A) or (B) or para-  
20 graph (3), the President may round an annual re-  
21 duction by an amount equal to the lesser of—

22 (A) the difference between the reduction  
23 without regard to this paragraph and the next  
24 lower whole number, or

25 (B) one-half of 1 percent ad valorem.

1           (5) ADDITIONAL LIMITATION.—A rate of duty  
2       reduction or increase that may not be proclaimed by  
3       reason of paragraph (2) or (3) may take effect only  
4       if a provision authorizing such reduction or increase  
5       is included within an implementing bill provided for  
6       under section 4 of this Act and that bill is enacted  
7       into law.

8       (b) AGREEMENTS REGARDING TARIFF AND NON-  
9       TARIFF BARRIERS.—

10           (1) IN GENERAL.—Whenever the President de-  
11       termines that any duty or other import restriction  
12       imposed by any foreign country or the United States  
13       or any other barrier to, or other distortion of, inter-  
14       national trade—

15                (A) unduly burdens or restricts the foreign  
16       trade of the United States or adversely affects  
17       the United States economy,

18                (B) the imposition of any such barrier or  
19       distortion is likely to result in such a burden,  
20       restriction, or effect, or

21                (C) the reduction or elimination of such  
22       barrier or distortion is likely to result in eco-  
23       nomic growth or expanded trade opportunities  
24       for the United States,

1 and that the purposes, policies, and objectives of this  
2 Act will be promoted thereby, the President may, on  
3 or before June 1, 2003, enter into a regional, bilat-  
4 eral, or multilateral trade agreement described in  
5 paragraph (2).

6 (2) DESCRIPTION OF TRADE AGREEMENT.—A  
7 trade agreement is described in this paragraph if it  
8 is a regional, bilateral, or multilateral trade agree-  
9 ment entered into by the President with a foreign  
10 country providing for—

11 (A) the reduction or elimination of such  
12 duty, restriction, barrier, or other distortion, or

13 (B) the prohibition of, or limitation on the  
14 imposition of, such barrier or other distortion.

15 (3) CONDITIONS.—A trade agreement may be  
16 entered into under this subsection only if such  
17 agreement makes substantial progress in meeting  
18 the applicable negotiating objectives described in sec-  
19 tion 2 and the President satisfies the conditions set  
20 forth in subsections (c) and (d).

21 (4) COMPLIANCE WITH URUGUAY ROUND  
22 AGREEMENTS AND OTHER OBLIGATIONS.—In deter-  
23 mining whether to enter into negotiations with a  
24 particular country under this subsection, the Presi-  
25 dent shall take into account whether that country

1 has implemented its obligations under the Uruguay  
2 Round Agreements and any other trade agreement  
3 with respect to which the United States and such  
4 other country are parties.

5 (5) LIMITATION.—Notwithstanding any other  
6 provision of law, no trade benefit shall be extended  
7 to any country solely by reason of the extension of  
8 any trade benefit to another country under a trade  
9 agreement entered into under paragraph (1) with  
10 such other country.

11 (c) NOTICE AND CONSULTATION BEFORE NEGOTIA-  
12 TION.—

13 (1) GENERAL RULE.—The President, at least  
14 60 calendar days before initiating negotiations on  
15 any agreement that is subject to the provisions of  
16 subsection (b), shall—

17 (A) provide written notice to Congress of  
18 the President's intent to enter into the negotia-  
19 tions and set forth therein the date the Presi-  
20 dent intends to initiate such negotiations and  
21 the specific United States objectives for the ne-  
22 gotiations,

23 (B) before submitting the notice, seek the  
24 advice of and consult with the relevant private  
25 sector advisory committees established under

1           section 135 of the Trade Act of 1974 (19  
2           U.S.C. 2155), regarding the negotiations and  
3           the negotiating objectives the President pro-  
4           poses to establish for the negotiations, and

5           (C) before and after submission of the no-  
6           tice, consult with Congress regarding the nego-  
7           tiations and the negotiating objectives.

8           (2) EXCEPTION.—Notwithstanding subsection  
9           (b)(3) and section 4(c), the provisions of this sub-  
10          section shall not apply to an agreement which re-  
11          sults from negotiations that were commenced before  
12          the date of enactment of this Act and the provisions  
13          of this Act regarding implementation shall apply to  
14          such agreement, if with respect to such agreement,  
15          the President provides notice, seeks advice, and  
16          consults in accordance with subparagraphs (A), (B),  
17          and (C) of paragraph (1) as soon as practicable  
18          after the date of enactment of this Act.

19          (d) CONSULTATION WITH CONGRESS BEFORE  
20          AGREEMENTS ENTERED INTO.—

21               (1) CONSULTATION.—Before entering into any  
22          trade agreement under subsection (b), the President  
23          shall consult with—



1 (A) the Committee on Ways and Means of  
 2 the House of Representatives and the Commit-  
 3 tee on Finance of the Senate, and

4 (B) each other committee of the House  
 5 and the Senate, and each joint committee of  
 6 Congress, which has jurisdiction over legislation  
 7 involving subject matters which would be af-  
 8 fected by the trade agreement.

9 (2) SCOPE.—The consultation described in  
 10 paragraph (1) shall include consultation with respect  
 11 to—

12 (A) the nature of the agreement,

13 (B) how and to what extent the agreement  
 14 will achieve the applicable negotiating objec-  
 15 tives, and

16 (C) all matters relating to the implementa-  
 17 tion of the agreement under section 4.

18 **SEC. 4. IMPLEMENTATION OF TRADE AGREEMENTS.**

19 (a) IN GENERAL.—

20 (1) NOTIFICATION AND SUBMISSION.—Any  
 21 agreement entered into under section 3(b) shall  
 22 enter into force with respect to the United States if  
 23 (and only if)—

1 (A) the President, at least 120 calendar  
2 days before the day on which the President en-  
3 ters into the trade agreement, notifies the  
4 House of Representatives and the Senate of the  
5 President's intention to enter into the agree-  
6 ment, and promptly thereafter publishes notice  
7 of such intention in the Federal Register;

8 (B) after entering into the agreement, the  
9 President submits a copy of the final legal text  
10 of the agreement, together with—

11 (i) a draft of an implementing bill,

12 (ii) a statement of any administrative  
13 action proposed to implement the trade  
14 agreement, and

15 (iii) the supporting information de-  
16 scribed in paragraph (3); and

17 (C) the implementing bill is enacted into  
18 law.

19 (2) RESTRICTIONS ON IMPLEMENTING BILL.—

20 (A) IN GENERAL.—An implementing bill  
21 referred to in paragraph (1) shall contain only  
22 necessary provisions.

1 (B) NECESSARY PROVISION.—For pur-  
 2 poses of this Act, the term “necessary provi-  
 3 sion” means a provision in an implementing bill  
 4 that—

5 (i)(I) makes progress in meeting the  
 6 negotiating objectives contained in section  
 7 2 for the trade agreement with respect to  
 8 which the implementing bill is submitted,  
 9 and

10 (II) is required to put into effect, or  
 11 sets forth a procedure to carry out, a sub-  
 12 stantive provision of the trade agreement  
 13 with respect to which the implementing bill  
 14 is submitted, or

15 (ii) is a revenue provision.

16 (3) SUPPORTING INFORMATION.—The support-  
 17 ing information required under paragraph (1)(B)(iii)  
 18 consists of—

19 (A) an explanation as to how the imple-  
 20 menting bill and proposed administrative action  
 21 will change or affect existing law; and

22 (B) a statement—

23 (i) asserting that the agreement  
 24 makes progress in achieving the applicable

1 negotiating objectives contained in section  
2 2, and

3 (ii) setting forth the reasons of the  
4 President regarding, among other things—

5 (I) how and to what extent the  
6 agreement makes progress in achiev-  
7 ing the applicable negotiating objec-  
8 tives referred to in clause (i), and why  
9 and to what extent the agreement  
10 does not achieve other negotiating ob-  
11 jectives,

12 (II) how the agreement serves  
13 the interests of United States com-  
14 merce,

15 (III) why the implementing bill  
16 and proposed administrative action is  
17 necessary to carry out the agreement,

18 (IV) how the provisions of the  
19 implementing bill are necessary to  
20 comply with the applicable negotiating  
21 objectives, and

22 (V) how any revenue provision in  
23 the implementing bill is necessary to  
24 comply with the Balanced Budget and

1                   Emergency Deficit Control Act of  
2                   1985.

3           (4) OTHER CONSIDERATIONS.—To ensure that  
4           a foreign country that receives benefits under a  
5           trade agreement entered into under section 3(b) is  
6           subject to the obligations imposed by such agree-  
7           ment, the President shall recommend to Congress in  
8           the implementing bill and statement of administra-  
9           tive action submitted with respect to such agreement  
10          that the benefits and obligations of such agreement  
11          apply solely to the parties to such agreement, if such  
12          application is consistent with the terms of such  
13          agreement. The President may also recommend with  
14          respect to any such agreement that the benefits and  
15          obligations of such agreement not apply uniformly to  
16          all parties to such agreement, if such application is  
17          consistent with the terms of such agreement.

18          (b) APPLICATION OF CONGRESSIONAL “FAST  
19 TRACK” PROCEDURES TO IMPLEMENTING BILLS.—

20           (1) IN GENERAL.—Except as otherwise pro-  
21          vided in this subsection and subsection (c), the pro-  
22          visions of section 151 of the Trade Act of 1974 (19  
23          U.S.C. 2191) (hereafter in this Act referred to as  
24          “fast track procedures”) apply to implementing bills  
25          submitted with respect to trade agreements entered

1 into under section 3(b) on or before June 1, 2003  
 2 (or if extended under section 5, June 1, 2005).

3 (2) CERTAIN POINTS OF ORDER AND AMEND-  
 4 MENTS IN ORDER.—

5 (A) IN GENERAL.—

6 (i) POINTS OF ORDER.—A point of  
 7 order may be made by any Senator against  
 8 a provision in an implementing bill that is  
 9 not a necessary provision (as defined in  
 10 subsection (a)(2)(B)). If such point of  
 11 order is sustained by a majority of the  
 12 Members of the Senate duly chosen and  
 13 sworn, the provision shall be stricken.

14 (ii) AMENDMENTS IN ORDER.—The  
 15 provisions of section 151(d) of the Trade  
 16 Act of 1974 shall not apply to a provision  
 17 in an implementing bill that is a revenue  
 18 provision and an amendment to a revenue  
 19 provision shall be in order if the amend-  
 20 ment meets the requirements of paragraph  
 21 (4).

22 (B) TIME LIMIT.—Sections 151(f)(2) and  
 23 151(g)(2) of such Act shall be applied by sub-  
 24 stituting “25 hours” for “20 hours” each place  
 25 such term appears and such time limits shall

1 include all amendments to and points of order  
2 made with respect to an implementing bill.

3 (C) RULES FOR DEBATE IN THE SEN-  
4 ATE.—Debate in the Senate on any amendment  
5 to or point of order made with respect to an im-  
6 plementing bill under this paragraph shall be  
7 limited to not more than 1 hour, to be equally  
8 divided between, and controlled by the mover  
9 and the manager of the implementing bill, ex-  
10 cept that in the event the manager of the imple-  
11 menting bill is in favor of any such amendment,  
12 the time in opposition thereto shall be con-  
13 trolled by the minority leader or the minority  
14 leader’s designee. The majority and minority  
15 leader may, from the time under their control  
16 on the passage of an implementing bill, allot ad-  
17 ditional time to any Senator during the consid-  
18 eration of any amendment. A motion in the  
19 Senate to further limit debate on an amend-  
20 ment to any implementing bill is not debatable.

21 (3) REVENUE PROVISION.—For purposes of  
22 this Act, the term “revenue provision” means a pro-  
23 vision in an implementing bill that—

24 (A) is not required to put into effect, or  
25 does not set forth a procedure to carry out, a

1 substantive provision of the trade agreement  
2 with respect to which the implementing bill is  
3 submitted,

4 (B) is not inconsistent with the obligations  
5 of the United States under the trade agreement  
6 with respect to which the implementing bill is  
7 submitted, and

8 (C) either decreases specific budget outlays  
9 for the fiscal years covered by the implementing  
10 bill or increases revenues for such fiscal years  
11 in order to comply with the Balanced Budget  
12 and Emergency Deficit Control Act of 1985.

13 (4) REQUIREMENTS FOR AMENDMENT.—It  
14 shall not be in order in the House of Representatives  
15 or the Senate to consider any amendment to a reve-  
16 nue provision in an implementing bill that would  
17 have the effect of increasing any specific budget out-  
18 lays above the level of such outlays provided in the  
19 implementing bill for the fiscal years covered by the  
20 implementing bill or would have the effect of reduc-  
21 ing any specific revenues below the level of such rev-  
22 enues provided in the implementing bill for such fis-  
23 cal years, unless such amendment makes at least an  
24 equivalent reduction in other specific budget outlays,



1 an equivalent increase in other specific Federal reve-  
 2 nues, or an equivalent combination thereof for such  
 3 fiscal years. For purposes of this paragraph, the lev-  
 4 els of budget outlays and Federal revenues for a fis-  
 5 cal year shall be determined on the basis of esti-  
 6 mates made by the Committee on the Budget of the  
 7 Senate or of the House of Representatives, as the  
 8 case may be.

9 (5) DIFFERENCE BETWEEN THE 2 HOUSES.—If  
 10 the text of implementing bills described in subsection  
 11 (b)(1) concerning any matter is not identical—

12 (A) the Senate shall vote passage on the  
 13 implementing bill introduced in the Senate, and

14 (B) the text of the implementing bill  
 15 passed by the Senate shall, immediately upon  
 16 its passage (or, if later, upon receipt of the im-  
 17 plementing bill passed by the House), be sub-  
 18 stituted for the text of the implementing bill  
 19 passed by the House of Representatives, and  
 20 such implementing bill, as amended shall be re-  
 21 turned with a request for a conference between  
 22 the 2 Houses.

23 (6) AMENDMENT BETWEEN HOUSES.—Except  
 24 as provided in paragraph (7)—

1 (A) overall debate on all motions necessary  
 2 to resolve amendments between the Houses on  
 3 an implementing bill under this subsection shall  
 4 be limited to 2 hours at any stage of the pro-  
 5 ceedings; and

6 (B) debate on any motion, appeal, or point  
 7 of order under this subsection which is submit-  
 8 ted shall be limited to 30 minutes, and such  
 9 time shall be equally divided and controlled by,  
 10 the majority leader and the minority leader or  
 11 their designees.

12 (7) PROCEDURES RELATING TO CONFERENCE  
 13 REPORTS.—

14 (A) APPOINTMENT OF CONFEREES.—A re-  
 15 quest for a conference shall be accepted and  
 16 conferees shall be appointed—

17 (i) in the case of the Senate, by the  
 18 President pro tempore, and

19 (ii) in the case of the House of Rep-  
 20 resentatives, by the Speaker of the House,  
 21 not later than 3 calendar days after such re-  
 22 quest is made.

23 (B) GENERAL RULES FOR CONSIDERATION  
 24 OF CONFERENCE REPORT.—Consideration in a  
 25 House of Congress of the conference report on

1 an implementing bill described in paragraph  
2 (5), including consideration of all amendments  
3 in disagreement (and all amendments thereto),  
4 and consideration of all debatable motions and  
5 appeals in connection therewith, shall be limited  
6 to 4 hours, to be equally divided between, and  
7 controlled by, the majority leader and the mi-  
8 nority leader or their designees. Debate on any  
9 debatable motion or appeal related to the con-  
10 ference report shall be limited to 30 minutes, to  
11 be equally divided between, and controlled by,  
12 the mover and the manager of the conference  
13 report.

14 (C) FAILURE OF CONFERENCE TO ACT.—

15 If the committee on conference on an imple-  
16 menting bill considered under this section fails  
17 to submit a conference report within 10 cal-  
18 endar days after the conferees have been ap-  
19 pointed by each House, any Member of either  
20 House may introduce an implementing bill con-  
21 taining only the text of the draft implementing  
22 bill of the President on the next day of session  
23 thereafter and the implementing bill shall be  
24 treated as a conference report and considered  
25 as provided in subparagraph (B).

1       (c) ADDITIONAL LIMITATIONS ON “FAST TRACK”  
 2 PROCEDURES.—

3           (1) PRENEGOTIATION REQUIREMENTS.—

4               (A) IN GENERAL.—The fast track proce-  
 5 dures shall not apply to any implementing bill  
 6 that contains a provision approving any trade  
 7 agreement which is entered into under section  
 8 3(b) with any foreign country if—

9                   (i) the requirements of section 3(c)  
 10 are not met with respect to the negotiation  
 11 of such agreement; or

12                  (ii) both Houses of Congress agree to  
 13 a resolution disapproving the negotiation of  
 14 such agreement before the later of—

15                   (I) the close of the 60-calendar  
 16 day period beginning on the date no-  
 17 tice is provided under section 3(c); or

18                   (II) the close of the 15-day pe-  
 19 riod beginning on the date such notice  
 20 is provided, computed without regard  
 21 to the days on which either House of  
 22 Congress is not in session because of  
 23 an adjournment of more than 3 days  
 24 to a day certain or an adjournment of  
 25 Congress sine die, and any Saturday

1 or Sunday, not otherwise excluded  
2 under this subclause, when either  
3 House of Congress is not in session.

4 (B) RESOLUTION DISAPPROVING NEGOTIA-  
5 TIONS.—A resolution referred to in subpara-  
6 graph (A)(ii) is a resolution of either House of  
7 Congress with which the other House of Con-  
8 gress concurs, the sole matter after the resolv-  
9 ing clause of which is as follows: “That Con-  
10 gress disapproves the negotiation of the trade  
11 agreement notice of which was provided to Con-  
12 gress on under section 3(c) of the Trade  
13 Agreement Implementation Reform Act.”, with  
14 the blank space being filled with the appro-  
15 priate date.

16 (2) LACK OF CONSULTATIONS.—

17 (A) IN GENERAL.—The fast track proce-  
18 dures shall not apply to any implementing bill  
19 submitted with respect to a trade agreement en-  
20 tered into under section 3(b) if both Houses of  
21 Congress separately agree to procedural dis-  
22 approval resolutions within any 60 calendar day  
23 period.

24 (B) PROCEDURAL DISAPPROVAL RESOLU-  
25 TION.—For purposes of this paragraph, the

term “procedural disapproval resolution” means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: “That the President has failed or refused to consult with Congress on trade negotiations and trade agreements in accordance with the provisions of the Trade Agreement Implementation Reform Act and, therefore, the provisions of section 151 of the Trade Act of 1974 shall not apply to any implementing bill submitted with respect to any trade agreement entered into under section 3(b) of the Trade Agreement Implementation Reform Act, if, during the 60 calendar day period beginning on the date on which this resolution is agreed to by \_\_\_\_\_, the \_\_\_\_\_ agrees to a procedural disapproval resolution (within the meaning of section 4(c)(2)(B) of the Trade Agreement Implementation Reform Act).”, with the first blank space being filled with the name of the resolving House of Congress and the second blank space being filled with the name of the other House of Congress.

(3) PROCEDURES FOR CONSIDERING RESOLUTIONS.—

1 (A) IN GENERAL.—Resolutions under  
2 paragraph (1) and procedural disapproval reso-  
3 lutions under paragraph (2)—

4 (i) in the House of Representatives—

5 (I) shall be introduced by the  
6 chairman or ranking minority member  
7 of the Committee on Ways and Means  
8 or the chairman or ranking minority  
9 member of the Committee on Rules,

10 (II) shall be jointly referred to  
11 the Committee on Ways and Means  
12 and the Committee on Rules, and

13 (III) may not be amended by ei-  
14 ther Committee; and

15 (ii) in the Senate shall be original res-  
16 olutions of the Committee on Finance.

17 (B) APPLICATION OF SECTION 152.—The  
18 provisions of section 152 (d) and (e) of the  
19 Trade Act of 1974 (19 U.S.C. 2192 (d) and  
20 (e)) (relating to the floor consideration of cer-  
21 tain resolutions in the House and Senate) apply  
22 to resolutions under paragraph (1) and to pro-  
23 cedural disapproval resolutions under paragraph  
24 (2).

1 (C) SPECIAL RULES RELATING TO  
 2 HOUSE.—It is not in order for the House of  
 3 Representatives to consider any resolution  
 4 under paragraph (1) or any procedural dis-  
 5 approval resolution under paragraph (2) that is  
 6 not reported by the Committee on Ways and  
 7 Means and the Committee on Rules.

8 **SEC. 5. EXTENSION OF TRADE AGREEMENTS AUTHORITY**  
 9 **AND FAST TRACK PROCEDURES.**

10 (a) EXTENSION OF FAST TRACK PROCEDURES TO  
 11 IMPLEMENTING BILLS.—

12 (1) IN GENERAL.—The fast track procedures  
 13 shall, as modified by this Act, be extended to imple-  
 14 menting bills submitted with respect to trade agree-  
 15 ments entered into under section 3(b) after May 31,  
 16 2003, and before June 1, 2005, if (and only if)—

17 (A) the President requests such extension  
 18 under paragraph (2), and

19 (B) neither House of Congress adopts an  
 20 extension disapproval resolution under para-  
 21 graph (5) before June 1, 2003.

22 (2) REPORT TO CONGRESS BY THE PRESI-  
 23 DENT.—If the President is of the opinion that the



1 fast track procedures should be extended to imple-  
2 menting bills described in paragraph (1), the Presi-  
3 dent shall submit to Congress, not later than March  
4 1, 2003, a written report that contains a request for  
5 such extension, together with—

6 (A) a description of all trade agreements  
7 that have been negotiated under section 3(b)  
8 and the anticipated schedule for submitting  
9 such agreements to Congress for approval,

10 (B) a description of the progress that has  
11 been made in regional, bilateral, and multilat-  
12 eral negotiations to achieve the purposes, poli-  
13 cies, and objectives of this Act, and a statement  
14 that such progress justifies the continuation of  
15 negotiations, and

16 (C) a statement of the reasons why the ex-  
17 tension is needed to complete the negotiations.

18 (3) REPORT TO CONGRESS BY THE ADVISORY  
19 COMMITTEE.—The President shall promptly inform  
20 the Advisory Committee for Trade Policy and Nego-  
21 tiations established under section 135 of the Trade  
22 Act of 1974 (19 U.S.C. 2155) of the President’s de-  
23 cision to submit a report to Congress under para-  
24 graph (2). The Advisory Committee shall submit to

1 Congress as soon as practicable, but not later than  
 2 March 1, 2003, a written report that contains—

3 (A) its views regarding the progress that  
 4 has been made in regional, bilateral, and multi-  
 5 lateral negotiations to achieve the purposes,  
 6 policies, and objectives of this Act, and

7 (B) a statement of its views, and the rea-  
 8 sons therefor, regarding whether the extension  
 9 requested under paragraph (2) should be ap-  
 10 proved or disapproved.

11 (4) REPORTS MAY BE CLASSIFIED.—The re-  
 12 ports submitted to Congress under paragraphs (2)  
 13 and (3), or any portion of the reports, may be classi-  
 14 fied to the extent the President determines appro-  
 15 priate.

16 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

17 (A) IN GENERAL.—For purposes of this  
 18 subsection, the term “extension disapproval res-  
 19 olution” means a resolution of either House of  
 20 Congress, the sole matter after the resolving  
 21 clause of which is as follows: “That the  
 22 disapproves the request of the President for the  
 23 extension, under section 5(a)(1) of the Trade  
 24 Agreement Implementation Reform Act, of the  
 25 provisions of section 151 of the Trade Act of

1 1974 (as modified by section 4(b) of the Trade  
 2 Agreement Implementation Reform Act) to any  
 3 implementing bill submitted with respect to any  
 4 trade agreement entered into under section 3(b)  
 5 of the Trade Agreement Implementation Re-  
 6 form Act after June 1, 2003, because sufficient  
 7 tangible progress has not been made in trade  
 8 negotiations.”, with the blank space being filled  
 9 with the name of the resolving House of Con-  
 10 gress.

11 (B) PROCEDURE.—Extension disapproval  
 12 resolutions—

13 (i) may be introduced in either House  
 14 of Congress by any Member of such  
 15 House; and

16 (ii) shall be jointly referred, in the  
 17 House of Representatives, to the Commit-  
 18 tee on Ways and Means and the Commit-  
 19 tee on Rules.

20 (C) APPLICATION OF SECTION 152.—The  
 21 provisions of sections 152 (d) and (e) of the  
 22 Trade Act of 1974 (19 U.S.C. 2192 (d) and  
 23 (e)) (relating to the floor consideration of cer-  
 24 tain resolutions in the House and Senate) apply  
 25 to extension disapproval resolutions.

1 (D) OTHER REQUIREMENTS.—It is not in  
2 order for—

3 (i) the Senate to consider any exten-  
4 sion disapproval resolution not reported by  
5 the Committee on Finance;

6 (ii) the House of Representatives to  
7 consider any extension disapproval resolu-  
8 tion not reported by the Committee on  
9 Ways and Means and the Committee on  
10 Rules; or

11 (iii) either House of Congress to con-  
12 sider an extension disapproval resolution  
13 that is reported to such House after May  
14 15, 2003.

15 (b) RULES OF HOUSE OF REPRESENTATIVES AND  
16 SENATE.—Subsection (a) of this section, and section 4 (b)  
17 and (c), are enacted by Congress—

18 (1) as an exercise of the rulemaking power of  
19 the House of Representatives and the Senate, re-  
20 spectively, and as such are deemed a part of the  
21 rules of each House, respectively, and such proce-  
22 dures supersede other rules only to the extent that  
23 they are inconsistent with such other rules; and

24 (2) with the full recognition of the constitu-  
25 tional right of either House to change the rules (so

1 far as relating to the procedures of that House) at  
 2 any time, in the same manner, and to the same ex-  
 3 tent as any other rule of that House.

4 **SEC. 6. CONFORMING AMENDMENTS.**

5 (a) IN GENERAL.—Title I of the Trade Act of 1974  
 6 (19 U.S.C. 2111 and following) is amended as follows:

7 (1) IMPLEMENTING BILL.—Section 151(b)(1)  
 8 (19 U.S.C. 2191(b)(1)) is amended by inserting  
 9 “section 4 of the Trade Agreement Implementation  
 10 Reform Act,” after “the Omnibus Trade and Com-  
 11 petitiveness Act of 1988,”.

12 (2) ADVICE FROM INTERNATIONAL TRADE COM-  
 13 MISSION.—Section 131 (19 U.S.C. 2151) is amend-  
 14 ed—

15 (A) in subsection (a)—

16 (i) in paragraph (1), by striking “sec-  
 17 tion 123 of this Act or section 1102 (a) or  
 18 (c) of the Omnibus Trade and Competitive-  
 19 ness Act of 1988,” and inserting “section  
 20 123 of this Act, section 1102 (a) or (c) of  
 21 the Omnibus Trade and Competitiveness  
 22 Act of 1988, or section 3 of the Trade  
 23 Agreement Implementation Reform Act”,  
 24 and

1 (ii) in paragraph (2), by inserting “or  
 2 section 3 (a) or (b) of the Trade Agree-  
 3 ment Implementation Reform Act” after  
 4 “1988”,

5 (B) in subsection (b), by inserting “of the  
 6 Omnibus Trade and Competitiveness Act of  
 7 1988 or section 3(a)(3) of the Trade Agreement  
 8 Implementation Reform Act” before the end pe-  
 9 riod, and

10 (C) in subsection (c), by striking “of this  
 11 Act or section 1102 of the Omnibus Trade and  
 12 Competitiveness Act of 1988,” and inserting  
 13 “of this Act, section 1102 of the Omnibus  
 14 Trade and Competitiveness Act of 1988, or sec-  
 15 tion 3 of the Trade Agreement Implementation  
 16 Reform Act”.

17 (3) HEARINGS AND ADVICE CONCERNING NEGO-  
 18 TIATIONS.—Sections 132, 133(a), and 134(a) (19  
 19 U.S.C. 2152, 2153(a), and 2154(a)) are each  
 20 amended by striking “or section 1102 of the Omni-  
 21 bus Trade and Competitiveness Act of 1988,” each  
 22 place it appears and inserting “, section 1102 of the  
 23 Omnibus Trade and Competitiveness Act of 1988, or  
 24 section 3 of the Trade Agreement Implementation  
 25 Reform Act,”.

1           (4) PREREQUISITES FOR OFFERS.—Section  
 2       134(b) (19 U.S.C. 2154(b)) is amended by inserting  
 3       “or section 3 of the Trade Agreement Implementa-  
 4       tion Reform Act” after “1988”.

5           (5) INFORMATION AND ADVICE FROM PRIVATE  
 6       AND PUBLIC SECTORS.—Section 135(a)(1)(A) (19  
 7       U.S.C. 2155(a)(1)(A)) is amended by inserting “or  
 8       section 3 of the Trade Agreement Implementation  
 9       Reform Act” after “1988”.

10          (6) MEETING OF ADVISORY COMMITTEES AT  
 11       CONCLUSION OF NEGOTIATIONS.—Section 135(e)  
 12       (19 U.S.C. 2155(e)) is amended—

13               (A) in paragraph (1), by inserting “or sec-  
 14               tion 3 of the Trade Agreement Implementation  
 15               Reform Act” after “1988” the first two places  
 16               it appears, and by inserting “or section  
 17               4(a)(1)(A) of the Trade Agreement Implemen-  
 18               tation Reform Act” after “1988” the third  
 19               place it appears; and

20               (B) in paragraph (2), by inserting “or sec-  
 21               tion 2 of the Trade Agreement Implementation  
 22               Reform Act” after “1988”.

23       (b) APPLICATION OF SECTIONS 125, 126, AND 127  
 24       OF THE TRADE ACT OF 1974.—For purposes of applying

1 sections 125, 126, and 127 of the Trade Act of 1974 (19  
2 U.S.C. 2135, 2136, and 2137)—

3 (1) any trade agreement entered into under sec-  
4 tion 3 shall be treated as an agreement entered into  
5 under section 101 or 102, as appropriate, of the  
6 Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

7 (2) any proclamation or Executive order issued  
8 pursuant to a trade agreement entered into under  
9 section 3 shall be treated as a proclamation or Exec-  
10 utive order issued pursuant to a trade agreement en-  
11 tered into under section 102 of the Trade Act of  
12 1974 (19 U.S.C. 2112).

13 **SEC. 7. ADVISORY COMMITTEE REPORTS.**

14 Section 135(e)(1) of the Trade Act of 1974 (19  
15 U.S.C. 2155) is amended by striking “the date on which”  
16 and inserting “45 days after”.

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